



Attorney's Docket No.: 19916-003001 / C069 CPC US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Choi et al.  
Serial No. : 09/888,114  
Filed : June 22, 2001  
Title : COMPOSITIONS AND METHODS FOR INCREASING THE ORAL  
ABSORPTION OF ANTIMICROBALS

Art Unit : 1648  
Examiner : Zachariah Lucas  
Conf. No. : 9054

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. 1.104(c)(4)(iii)

Applicants hereby state that subject matter disclosed in U.S. Patent No. 6,248,360 and the claimed invention were made by or on the behalf of parties to a joint research agreement within the meaning of 35 U.S.C. 103(c)(3). The joint research agreement was in effect on or before the date the claimed invention was made and the invention was made as a result of activities undertaken within the scope of the joint research agreement.

Enclosed is \$130 for the processing fee required under 37 C.F.R. 1.71(g) to amend the specification to disclose the names of the parties to the joint research agreement. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 19916-003001.

Respectfully submitted,

Date:

March 2, 2007

*Timothy J. Doud*

Associate General Counsel

Title

03/14/2007 HVUONG1 00000031 061050 09888114

02 FC:1464

130.00 OP

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 828213311 US

March 13, 2007

Date of Deposit



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TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b) AND (d)

Pursuant to 37 CFR §3.73(b), Cubist Pharmaceuticals, Inc., a corporation of Delaware, International Health Management Associates, Inc., a corporation of Illinois, and University of Utah, a corporation of Utah, certify that they are the assignees of the entire right, title, and interest in the above-identified application by virtue of assignments by the inventors.

Specifically, the application was assigned as follows:

☐ An assignment from Dennis Keith to Cubist Pharmaceuticals, Inc. The assignment was recorded in the Patent and Trademark Office at Reel 012737, Frame 0114 on March 25, 2002.

☐ An assignment from Seung-Ho Choi to International Health Management Associates, Inc. The assignment was recorded in the Patent and Trademark Office at Reel 012737, Frame 0180 on March 25, 2002.

☐ An assignment from Jeoung-Soo Lee to University of Utah. The assignment was recorded in the Patent and Trademark Office at Reel 012737, Frame 0174 on March 25, 2002.

The undersigned has reviewed all the documents in the chain of title of the above-identified application, and, to the best of undersigned's knowledge and belief, title is in the assignees identified above.

The undersigned are empowered to act on behalf of the assignees.

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March 13, 2007  
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The above-identified application is a continuation-in-part application of U.S. Serial No. 09/829,405, now abandoned, which is a continuation of U.S. Patent No. 09/598,089, now U.S. Patent No. 6,248,360.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignees identified above hereby waive and disclaim the terminal portion of the term of the entire patent to be granted upon the instant application subsequent to the expiration date of U.S. Patent No. 6,248,360. Further, any patent granted on the instant application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 5,494,806.

Pursuant to 37 CFR §1.321(d), and to obviate a double patenting rejection, the assignees identified above hereby waive the right to separately enforce any patent granted upon the instant application and U.S. Patent No. 6,248,360. Further, the assignees hereby agree that any patent granted on the instant application and U.S. Patent No. 6,248,360 shall be enforceable only for and during such period that any patent granted on the instant application and U.S. Patent No. 6,248,360 are not separately enforced. The waiver, and this agreement, run with any patent granted on the instant application and are binding upon the assignees of the instant application, its successors or assigns.

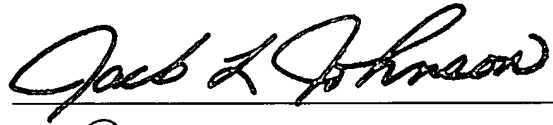
The assignees identified above do not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,248,360 in the event that patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

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Enclosed is a check for \$130 for the required fee pursuant to 37 CFR §1.20(d). Please charge any additional fees to Deposit Account No. 06-1050, referencing Attorney Docket No. 19916-003001.

Date: 3/9/07

  
Title: President

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

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Date:

2/13/07

  
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Date: \_\_\_\_\_

3/2/07



Title: \_\_\_\_\_

SVP, General Counsel & Secretary  
Cubist Pharmaceuticals, Inc.

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_